

REMARKS

1. The Examiner has rejected Claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Lisnyansky et al. (Patent No. US 5,047,652).

Applicant respectfully submits that the rejection of Claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Lisnyansky et al. is moot in light of Applicant's amendments as discussed herein below.

Applicant has amended independent Claims 1, 5, 8 and 9 to include a reference to a hard copy apparatus structure including a reflective element and a non-reflective element positioned in a print media transport path.

Claims 1, 5 and 8 now provide the following limitation: "transporting a print medium from a print media supply along a paper path and over an apparatus structure positioned in the paper path, **the hard copy apparatus structure including a reflective element and a non-reflective element;**" (emphasis added.)

Similarly, Claim 9 now includes the following limitation: "**a reflective element and a non-reflective element mounted to an apparatus structure positioned in the print media transport path,** the reflective element and the non-reflective element aligned with the light emitter; such that said light beam is received by the reflective element and the non-reflective element after passing through the sheet of print media in said print media transport path;" (emphasis added.)

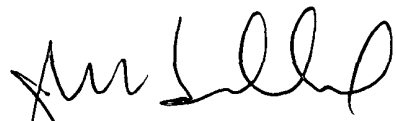
Insofar as Lisnyansky et al. does not teach a reflective element and a non-reflective element mounted to an apparatus structure positioned in the print media transport path, but rather a backing roll rotating with a circumferential velocity that substantially equals a velocity of a web, the rotating roll having a surface which comprises at least one optical standard, said roll positioned such that a circumferential portion of said surface contacts the back web surface where said at least one characteristic is to be measured and the web curving around said circumferential portion.

Lisnyansky et al. require additional moving structure to accommodate the optical standard(s). As such, the system taught by Lisnyansky et al. is more complex and therefore more costly to provide and maintain. Conversely, simply providing reflective and non-reflective elements mounted to apparatus structure positioned in the print media transport path simplifies both the device and the method of the present invention.

Applicant respectfully submits that the rejection of Claims 1, 5, 8 and 9 together with Claims 2 – 4, which depend from Claim 1, Claims 6 and 7, which depend directly or indirectly from Claim 5, Claims 10 – 13, which depend directly or indirectly from Claim 9 should be withdrawn and Claims 1 – 13 should be passed on for allowance.

Applicant has cancelled Claim 14.

Applicant believes the application is in condition for allowance and respectfully requests the same. If the Examiner is of a differing opinion he/she is hereby requested to conduct a telephonic interview with the undersigned attorney.



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